IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

        Plaintiff,

                                  Case No. 19-03008-01-CR-S-MDH

v.

JONATHAN SAWYER,

        Defendant.

MOTION FOR DETENTION

Comes now the United States of America, by and through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and the undersigned Assistant United States Attorney, and hereby moves this Court to order the detention of the defendant, **JONATHAN SAWYER**, and states the following in support of the motion:

1. An indictment has been filed charging the defendant with receipt and distribution of child pornography, in violation of Title 18, United States Code, Sections 2252(a)(1) and (b)(1).

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions "will reasonably assure the appearance of such person as required and the safety of any other person and the community" if the attorney for the Government moves for such a hearing and the case involves:

"(E) any felony that is not otherwise a crime of violence that involves a minor victim… ."

3. Title 18, United States Code, Section 3142(e) mandates, subject to rebuttal, "it shall be presumed that no conditions or combination of conditions will reasonably assure the appearance of a person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that there is probable cause to believe that the person committed—(E) an offense involving a minor victim under section 2252(a)(2)… of this title."

4. Law enforcement officers downloaded child pornography from a device located at the defendant's home on February 10, 2018. One of the images depicted a child, approximately eight years of age, being raped and sodomized by an adult male.

5. A search warrant was executed at the defendant's home on April 11, 2018. The defendant while acknowledging ownership of a number of digital storage devices as well as his use of a peer-to-peer file sharing program, did not cooperate with the investigators.

6. A forensic examination of a the devices located during the search yielded the discovery of 871 image files and 23 video files depicting children engaged in sexual acts. Investigators also located a video file of the defendant engaged in the act of masturbation while viewing his computer. The forensic examiner was able to determine that the defendant was likely viewing files depicting child pornography at the same time. The examiner also determined that the defendant

deliberately sought out depictions of child pornography, using search terms such as "PTHC" and "Lolita."

7. The defendant admitted that he was the subject of a sexual assault investigation involving juvenile females, who were six and eight years old, when he was approximately 15 years old. It is unclear how the investigation was resolved.

8. This case involves a minor victim. See 18 U.S.C. § 3142(g)(1).

9. The evidence against the defendant is overwhelming. See 18 U.S.C. § 3142(g)(2).

Wherefore, based upon the foregoing, the United States submits that there is clear and convincing evidence that there are no conditions which the Court could place upon the defendant that would reasonably assure the defendant's appearance in Court and the safety of the community. The Government therefore requests that a detention hearing be held and that the defendant be detained pending trial of this matter.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By: */s/ James J. Kelleher*_____
James J. Kelleher
Assistant United States Attorney
Missouri Bar No. 51921

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 22, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ James J. Kelleher
James J. Kelleher
Assistant United States Attorney